

EXHIBIT A

Procedure No: 210-02

Date Effective: 01-01-00

HOSPITALIZED PRISONERS

PURPOSE

To safeguard hospitalized prisoners arrested by uniformed members of the service.

SCOPE

The responsibility for guarding hospitalized prisoners arrested by uniformed members of the service assigned to the Transit Bureau or Housing Bureau will rest with the district or police service area within which the hospital is located. When a prisoner is likely to be admitted, the arresting/assigned officer will make an immediate telephone notification to that district or police service area, requesting that a relief officer be provided by that command. The desk officer, precinct of hospitalization, may provide a uniformed member of the service to guard prisoner temporarily in multiple arrest cases, if arresting officer is required to process other prisoners. Such coverage shall not exceed one (1) tour.

PROCEDURE

When prisoner in custody is admitted at a hospital:

ARRESTING/ GUARDING OFFICER

1. Notify desk officer, precinct of arrest.
2. Request desk officer of precinct where hospital is located to provide relief.
3. Remain with prisoner until relieved.

ARRESTING OFFICER

4. Search prisoner at hospital in presence of witnesses if prisoner was removed from scene of arrest direct to hospital.
 - a. Search prisoner's personal clothing, after removal by hospital personnel, for weapons, evidence or contraband.

NOTE Male prisoners should be searched by male uniformed members. Female prisoners should be searched by female uniformed members. If a uniformed member of the appropriate sex is not available, have hospital personnel carefully search prisoner.

5. Give hospital authorities receipt for property received.
6. Enter in **ACTIVITY LOG (PD112-145)** list of property removed and any information necessary to process arrest.
7. Report to precinct of arrest or designated arrest processing facility to continue arrest processing when relieved by guarding officer.
 - a. If prisoner has not been printed, prepare fingerprint charts, if required.
8. Deliver the following property to desk officer, precinct of arrest or designated arrest processing facility:
 - a. Unlawfully carried
 - b. Required as evidence
 - c. Lawfully carried but dangerous to life or would facilitate escape
 - d. Can be used to deface or damage property
 - e. Press Card issued by this Department. (Forward to Deputy Commissioner - Public Information with report of facts).
 - f. NYPD Auxiliary Police shield/I.D. card. (Forward to Auxiliary Police Section with report of facts).

Procedure No: 210-02

- g. Pistol license. (Forward to Commanding Officer, License Division, with report of facts).
- h. Itemized list of personal property except clothing which is retained by the hospital.

DESK OFFICER, PRECINCT OF ARREST

9. Direct preparation of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, and generate arrest number through the OLBS computer system (PF1/PF3 entries).
10. Notify the concerned borough court section supervisor that prisoner has been removed to hospital and make Telephone Record entry. Notification should include:
 - a. Prisoner's name
 - b. Prisoner's arrest number
 - c. Date and time prisoner removed to hospital
 - d. Whether prisoner had been fingerprinted and Fax Control Number, if applicable
 - e. Hospital admission number, if applicable.
- [I.O. 18 s 05] 11. Direct uniformed member of the service to deliver copy of ON LINE BOOKING SYSTEM ARREST WORKSHEET and fingerprint and palmprint charts, if appropriate, to desk officer of precinct in which hospital is located.
12. Direct guarding member to follow P.G. 208-30, "Desk Appearance Ticket - Hospitalized Prisoner," if prisoner is eligible.
13. Follow P.G. 210-05, "Bedside Arraignment," if prisoner not eligible for a **DESK APPEARANCE TICKET (PD260-121)**.

DESK OFFICER, PRECINCT OF HOSPITALIZATION

14. Ascertain if hospital has a Department of Correction prison ward, and whether prisoner can be lodged at that location.
 - a. Make entry of inquiry in Telephone Record.

NOTE If prisoner admitted to prison ward, comply with P.G. 210-05, "Bedside Arraignment," steps 22 through 25.

15. Assign uniformed member of the service, male or female, to guard prisoner.
 - a. Do not assign a member from an outside precinct to guard a hospitalized prisoner.
 - b. Assign member in civilian clothes to guard juvenile.
 - c. Ensure that appropriate reliefs are provided to uniformed members of the service guarding prisoners.

NOTE If a precinct experiences a shortage of personnel as a result of guarding hospitalized prisoners, a member from another precinct may be assigned to perform **PATROL DUTY**.

- [I.O. 18 s 05] 16. Have a duplicated copy of ON LINE BOOKING SYSTEM ARREST WORKSHEET and fingerprint and palmprint charts, if appropriate, delivered to guarding member.
17. Make continuous effort to have Department of Correction assume custody, if hospital has a Department of Correction prisoner ward.

Procedure No: 210-02**PATROL SUPERVISOR**

18. Respond to hospital when informed prisoner is to be admitted.
19. Examine hospital room for escape potential, i.e., windows, doors, possible access by unauthorized individual, etc.
 - a. Request prisoner be moved to more secure quarters, if room is inadequate for security.
 - b. Instruct member guarding prisoner regarding: security measures, visits by authorized persons, handcuffing of prisoners and to be constantly vigilant (see ADDITIONAL DATA).
20. Report lack of cooperation of hospital personnel to commanding officer.
21. Make appropriate entries in **ACTIVITY LOG**.

NOTE Borough supervisors, duty captains and patrol supervisors will be directed to visit hospital emergency rooms and hospital wards with admitted prisoners frequently to observe the performance and attentiveness of uniformed members of the service assigned to guard prisoners.

Supervisors will also evaluate the security of hospital rooms in which prisoners are held. If room security is inadequate, supervisors will request that hospital authorities transfer the prisoner to a more secure room. If the prisoner cannot be transferred, supervisors shall take whatever additional steps are necessary to ensure security of the prisoner (e.g. assigning an additional member to guard the prisoner, etc.).

GUARDING MEMBER

22. Keep prisoner under constant observation, even if the prisoner is handcuffed to the hospital bed, to prevent escape at all times.
23. Prevent unauthorized articles from being passed to prisoner.
24. Keep desk officer, precinct of hospitalization, informed of condition of prisoner.
25. Make periodic security inspection of prisoner's immediate area including closets, bathroom, etc., for weapons or other contraband, especially upon assuming guard post and after authorized visitors or hospital personnel have been with prisoner.
26. Take charge of any room telephone and allow only authorized calls by prisoners.
 - a. Patrol supervisor or desk officer will be conferred with and his/her permission is needed prior to allowing prisoner to use telephone.
 - b. Make entry in **ACTIVITY LOG** of authorizing supervisor's identity and name, relationship and telephone number of person called.
27. Permit only the following persons, on official business, to interview prisoner:
 - a. Ranking officer, this Department
 - b. Detective
 - c. District Attorney or representative
 - d. Chief Medical Examiner or representative
 - e. Clergyman (if requested by prisoner)
 - f. Parole or probation officer
 - g. Hospital personnel (assigned to treat prisoners)
 - h. Social worker
 - i. Federal law officer
 - j. Supervising officer of other city department if prisoner is employee of that department.

Procedure No: 210-02

28. Allow the following to visit prisoner:

- a. Recipient of telegram from hospital superintendent with notification that prisoner is seriously ill.
- b. Lawyer - if requested by prisoner.
- c. Member of family, after receiving **OFFICIAL LETTERHEAD (PD158-151)** from desk officer, precinct of arrest, authorizing visit. Member of family includes spouse, parents, or brothers, sisters and children sixteen (16) years or over.

Note Uniformed members of the service in civilian clothes who are visiting hospitals shall keep all firearms and other weapons concealed, not visible to hospital personnel or visitors and not accessible to prisoners or other unauthorized persons.

DESK OFFICER, PRECINCT OF ARREST

29. Authorize visits to prisoner by member of family only under following conditions:

- a. Application is made in person
- b. Applicants are properly identified members of immediate family (see step 28, subdivision "c")
- c. Name and address of each person permitted to visit prisoner is listed on authorization
- d. Each person named in authorization must sign authorization in presence of desk officer.

NOTE If visitors are likely to interfere with an ongoing investigation, the desk officer, precinct of arrest, will consult with the investigative supervisor concerned before issuing an authorization to visit the prisoner.

30. Have uniformed member of the service deliver authorization to guarding member.

GUARDING MEMBER

- 31. Have each person authorized to visit prisoner sign name and address in **ACTIVITY LOG**.
- 32. Enter in **ACTIVITY LOG**, information concerning name, address and title of visitor.
- 33. Notify desk officer, precinct of arrest, before end of tour, of identity of all visitors.
- 34. Deliver copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET** to relieving uniformed member of the service.

DESK OFFICER, PRECINCT OF ARREST

- 35. Prepare **ARREST REPORT - SUPPLEMENT WORKSHEET (PD244-1516)** containing information concerning visitors.

DESK OFFICER, PRECINCT OF HOSPITALIZATION

- 36. Notify commanding officer after being informed if prisoner is near death or will be totally incapacitated for a prolonged period of time.

Procedure No: 210-02

COMMANDING OFFICER, PRECINCT OF HOSPITALIZATION

37. Direct investigation to determine:
 - a. Complete details of prisoner's condition
 - b. Complete details of arrest situation and prisoner's history.
38. Decide if guarding of prisoner should be discontinued.
39. Have hospital authorities contacted by telephone each day and make inquiry concerning prisoner's condition, if guard is removed.
 - a. Direct patrol supervisor to visit hospital, as required.
 - b. Have weekly telephone message sent to borough court section concerned, each Wednesday, reporting prisoner's condition.
40. Assign uniformed member of the service to guard prisoner when condition warrants.
41. Have borough court section concerned notified, if prisoner dies, including date and time of death, and name of doctor who issues death certificate.
42. Have member guarding prisoner obtain copy of death certificate and direct desk officer to forward same to Chief Clerk's Office, borough Criminal Court concerned.

GUARDING MEMBER

43. Notify desk officer, precinct of arrest, when prisoner's condition permits arraignment.

DESK OFFICER, PRECINCT OF ARREST

44. Notify parents or guardian of impending release, if prisoner is under eighteen (18) years of age.
 - a. Make entry in Command Log of notification.

ADDITIONAL DATA

If the prisoner is treated or hospitalized at other than a New York City Health and Hospitals Corporation facility, the desk officer, precinct of arrest, is required to forward a report in a sealed envelope to: New York City Health and Hospitals Corporation, Fiscal Affairs, General Accounting Department, 230 West 41st Street, (5th Floor), New York City 10036. The report will include:

- a. Name and address of hospital or clinic*
- b. Date and time of treatment or admission*
- c. Name and address of prisoner*
- d. Precinct of arrest - arrest number*
- e. Name of doctor - diagnosis*
- f. When illness, injury started (prior to, during or after arrest)*
- g. Date of discharge.*

SECURITY PROCEDURES

The Department's policy is to handcuff all hospitalized prisoners to ensure the safety of persons present and prevent escape. However, under certain circumstances, the use of regular handcuffs may be impractical or inexpedient, i.e., prisoner is comatose, paralyzed, last stages of pregnancy, or otherwise immobilized.

Furthermore, the use of regular handcuffs may be impractical if the prisoner has arm or wrist injuries, burns, etc.

Procedure No: 210-02

[I.O. 16 § 03] In a further effort to prevent injuries and escape, the Department has purchased long chain handcuffs and leg restraints which will be available for use on hospitalized prisoners. Guarding members, when using long chain handcuffs, will attach one (1) cuff to bed frame and secure other cuff to prisoner. Leg restraints MUST be used when transporting a prisoner that has refused to be fingerprinted. If the desk officer determines that extenuating circumstances exist that preclude placing leg restraints on a prisoner that has refused to be fingerprinted, a command log entry will be made detailing the reason why. The use of leg restraints does not replace the requirement to rear handcuff the prisoner. All procedures detailing the use of handcuffs remain in effect. When using leg restraints on a prisoner, the escorting officer is to exercise caution to prevent the prisoner from falling.

The patrol supervisor will respond to the hospital and evaluate the situation whenever a prisoner is admitted to a hospital. This evaluation will include a conferral with the attending physician to determine the method of restraint to be used, e.g., handcuffs, long chain handcuffs or leg restraints. The patrol supervisor will notify the desk officer, precinct of hospitalization, with recommendation.

In situations where it is determined that the use of regular handcuffs, long chain handcuffs or leg restraints would be impractical or inexpedient, the desk officer, precinct of hospitalization, has the discretion to authorize that such methods of restraint not be used. However, if condition of the prisoner significantly improves, the patrol supervisor will respond and re-evaluate the situation, confer with the desk officer, precinct of hospitalization, and follow the desk officer's directions regarding handcuffing the prisoner.

Patrol supervisors will assess the potential for escape of a hospitalized prisoner. In cases where the escape potential is deemed high, desk officer/patrol supervisor will direct that all uniformed members of the service guarding that prisoner have two (2) sets of handcuffs available. All hospitalized prisoners (EXCEPT those not deemed to have an escape potential) will be handcuffed to the bed with one (1) wrist secured to one (1) side of the bed. To prevent escape, handcuffs are to be double locked, at all times. When it becomes necessary to uncuff the prisoner to allow for medical treatment of the prisoner, the second set of handcuffs will be utilized to cuff the free hand to the bed before uncuffing the first hand. Prisoners should not have both hands cuffed to the bed unnecessarily.

Additional sets of handcuffs are kept in precincts that cover hospitals where prisoners are usually admitted (e.g., 71 Precinct for Kings County Hospital, etc.).

Patrol supervisors and desk officers shall direct that, when one (1) uniformed member's handcuffs are being removed from a prisoner, the second member's handcuffs are placed on the prisoner before the first member's handcuffs are removed.

When a prisoner is admitted to the Intensive Care Unit of a hospital, the patrol supervisor will assess the potential for escape. If the prisoner is deemed to have escape potential, the prisoner will be secured to the bed frame utilizing plastic flex cuffs. Plastic flex cuffs do not conduct electricity should medical personnel need to defibrillate the prisoner.

Section: Prisoners

643

SV0014

Procedure No: 210-02

RELATED PROCEDURES

Desk Appearance Ticket - Hospitalized Prisoner (P.G. 208-30)
Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)
Hospitalized Prisoners - Arrested By Other Police Agencies (P.G.210-03)
Bedside Arraignment (P.G. 210-05)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
ARREST REPORT - SUPPLEMENT WORKSHEET (PD244-1516)
DESK APPEARANCE TICKET (PD260-121)
OFFICIAL LETTERHEAD (PD158-151)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)